1	ORDINANCE NO
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3	AN ORDINANCE TO AUTHORIZE THE ISSUANCE OF A PROMISSORY
4	NOTE TO PROVIDE SHORT-TERM FINANCING UNDER AMENDMENT
5	NO. 78 TO THE ARKANSAS CONSTITUION FOR THE ACQUISITION,
6	CONSTRUCTION AND INSTALLATION OF REAL AND TANGIBLE
7	PERSONAL PROPERTY; TO DECLARE AN EMERGENCY; AND FOR
	OTHER PURPOSES.
8	OTHER FURI OSES.
9	WHIEDEAC do City of Linds Dodg Adamsos (do "City") is redocted and any second and any dog do
10	WHEREAS the City of Little Rock, Arkansas (the "City") is authorized and empowered under the
11	provisions of Amendment No. 78 to the Arkansas Constitution ("Amendment No. 78") and Act 1808 of
12	2001 (codified as Title 14, Chapter 78 of the Arkansas Code of 1987 Annotated) (the "Act"), to issue notes
13	and expend the proceeds thereof to finance all or a portion of the cost of acquiring, constructing and
14	installing real property or tangible personal property having an expected useful life of more than one (1)-
15	year; and,
16	WHEREAS, the City proposes to finance the acquisition, construction and equipping of the final phase
17	of the 12th Street Station, the acquisition of fire vehicles and equipment and the acquisition and installation
18	of information technology equipment and software (collectively, the "Property to be Financed"); and,
19	WHEREAS, it is proposed that the City issue its promissory note in the principal amount of Five
20	Million, Nine Hundred Sixteen Thousand Dollars (\$5,916,000) (the "Note") under Amendment No. 78 and
21	the Act for the purpose of financing all or a portion of the costs of the Property to be Financed; and,
22	WHEREAS, the City intends to arrange for a loan (the "Loan") from a banking institution (the
23	"Lender") and to issue the Note to the Lender in consideration for the Loan;
24	NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE CITY
25	OF LITTLE ROCK, ARKANSAS:
26	Section 1: The Board of Directors hereby finds that the Property to be financed is tangible personal
27	property or real property and will have a useful life of more than one (1)-year. The Board of Directors
28	further finds that the aggregate principal amount of the Note and the City's outstanding indebtedness issued
29	or incurred under Amendment No. 78, does not exceed 5% of the assessed value of taxable property located
30	within the City as determined by the last tax assessment.
31	Section 2: Under the authority of the Constitution and laws of the State of Arkansas (the "State"),
32	including particularly Amendment 78 and the Act, the Note is hereby authorized and ordered issued in the

principal amount of Five Million, Nine Hundred Sixteen Thousand Dollars (\$5,916,000) for the purpose of

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financing all or a portion of the costs of acquiring, constructing and installing the Property to be Financed and paying expenses of issuing the Note. The Note shall be dated the date of issuance and shall bear interest on the outstanding principal amount at a fixed rate not to exceed 5% per annum. The Note shall be repaid in five substantially equal annual amortized installments of principal and interest, commencing one (1)-year from the date of the Note and on the same day of each year thereafter, with the final installment due five (5) years from the date of the Note. The Note shall be issued in fully registered form. The Note shall be executed by the Mayor and the City Clerk and the seal of the City shall be affixed to the Note.

Section 3: The note shall be issued to the Lender in consideration for the Loan. The Lender shall be selected by the City Manager based upon the commitment or proposal for the Loan that the City Manager determines to have the lowest cost to the City. The City Treasurer is hereby authorized and directed to solicit proposals or commitments for the Loan from at least three (3) banking institutions having offices in the City, in such manner as shall be approved by the City Manager. The City Manager shall have the right to reject any and all proposals and commitments.

Section 4: As provided in Amendment No. 78, the annual debt service payments on the Note in each fiscal year shall be charged against and paid from the general revenues of the City for such fiscal year. For the purpose of making the annual debt service payments, there is hereby, and shall be, appropriated to pay the Note, an amount of general revenues of the City sufficient for such purposes. The City Treasurer is hereby authorized and directed to withdraw from the General Fund of the City the amounts and at the times necessary to make the annual debt service payments on the Note.

Section 5: The Board of Directors hereby finds that the Property to be Financed is a part of the property that the Board of Directors anticipated would be paid for with the proceeds of a 3/8-Cent Sales and Compensating Use Tax for capital projects approved by the voters at an election held on September 13, 2011 (the "Tax Proceeds"). The Board of Directors further finds that the use of Tax Proceeds to reimburse the general fund for general revenues used to retire the principal installments of the Note is appropriate as an expenditure of the Tax Proceeds for capital improvements. This shall not be construed as a pledged of the Tax Proceeds to the payment of the Note. The Tax Proceeds are not pledged to the retirement of the Note.

Section 6: (a) The City covenants with the owner of the Note (the "Owner") from time to time that it shall not take any action or suffer or permit any action to be taken or condition to exist which causes or may cause the interest payable on the Note to be included in gross income for federal income tax purposes. Without limiting the generality of the foregoing, the City covenants with the Owner that the proceeds of the sale of the Note will not be used directly or indirectly in such manner as to cause the Note to be treated as an "arbitrage bond" within the meaning of Section 148 of the Internal Revenue Code of 1986, as amended (the "Code").

Susan Langley, City Clerk Mark Stodola, Mayor
ATTEST:
PASSED: May 20, 2014
exist and this ordinance shall be in full force and effect from and after the date of its execution.
citizens of the City, and must be financed as quickly as possible; an emergency is, therefore, declared
completion of the projects hereinabove set forth are essential to the public health, safety and welfare
Section 11: Emergency Clause. The Board of Directors hereby determines that the instigation
with the provisions of this resolution are hereby repealed to the extent of such inconsistency.
Section 10: Repealer. All laws, ordinances, resolutions, or parts of the same, which are incor-
ordinance.
effect as if the portion so declared or adjudged invalid or unconstitutional were not originally a par-
adjudication shall not affect the remaining portions of the resolution which shall remain in full for
word of this resolution is declared or adjudged to be invalid or unconstitutional, such declara
Section 9: Severability. In the event any title, section, paragraph, item, sentence, clause, phr
the exercise thereof.
certificates and other instruments that may be required for the carrying out of such authority or to ev
effect and carry out the authority conferred by this ordinance and to execute all papers, docu
authorized and directed, for an on behalf of the City, to perform all acts of whatever nature neces
Section 8: The Mayor, City Manager, City Treasurer, City Attorney and City Clerk are
reasonably request.
Section 7: The City shall provide such financial information to the Lender as the Lender
required by Section 149€ of the Code.
quarter in which the Note is issued, a statement concerning the Note which contains the infor
of the United States, not later than the 15th day of the second calendar month after the close of the ca
(d) The City covenants with the Owner that it will submit to the Secretary of the Tr
Regulation No. 1.150-2. This ordinance shall constitute an "official intent" for purposes of the Regu
for any costs paid prior to the date the Note is issued except in compliance with United States Ti
(c) The City covenants with the owner that it will not reimburse itself from Note pr
bond" within the meaning of Section 141 of the Code.
to be Financed or the proceeds of the Note, in such manner as to cause the Note to be a "private a

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APPROVED AS TO LEGAL FORM: 1 2 3 **Thomas M. Carpenter, City Attorney** 4 5 // // 6 7 // 8 // // 9 // 10 // 11 // 12 // 13 14 // // 15 // 16 17 // // 18 19 // // 20 // 21 22 // 23 // 24 // // 25 // 26 27 // // 28 // 29 // 30 // 31 // 32 33 //

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